GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Home Department – A.P Jail Services – Regularisation of services of Sri Patan Subhani, Full Time Sweeper, Sub-Jail, Tenali – Orders – Issued.

HOME (PRISONS & FIRE) DEPARTMENT

G.O.Ms.No.01 Dated: 05.01.2023.

Read the following:

1. Hon'ble High Court of Andhra Pradesh, Amaravati, Orders dated:23.02.2022 in W.P No.5286 of 2021.
2. Representation of Sri Patan Subhani, Full-Time Sweeper, Sub Jail, Tenali, Guntur alongwith copy of the Orders of Hon'ble High Court in W.P.No. 5286 of 2021, dated 23.02.2022.
3. From the Director General of Prisons & Correctional Services, Andhra Pradesh, Letter No.Estt-3/78/2019, Dated 01.04.2022.

* * *

ORDER :

The Director General of Prisons and Correctional Services, Andhra Pradesh in his letter 3rd read above, has stated that Sri P.Daba Khan, Father of Sri P.Subhani (Applicant) was earlier worked as Full Time Masalchi (Sweeper) in Sub Jail, Tenali, under the jurisdiction of Hon'ble II Additional Judicial Magistrate, Tenali. While he was working in Sub Jail, Tenali he was absorbed as Class IV employee w.e.f. 21-11-1982 as per Hon'ble District Court Proc. Dis. No. 972, dated 28-10-1985 and drawing regular Pay scale attached to the post, died during the service period in the year 1993.

2. The applicant i.e Sri. Patan Subhani was given appointment as Full Time Sweeper in the vacancy caused due to demise of his father in the Sub Jail Tenali, vide Proc.Dis No.9924, dated 13.10.1993 of the Hon'ble District Judge, Guntur and since then he is continuously working. Later on he was transferred to Prisons Department on 16.10.1993 since the Sub Jail Administration was taken over from the Judicial Department.

3. Further, Sri P. Subhani has submitted representation for regularisation of his services, but the same was rejected by the order dated 24.06.2019 stating that it was time barred and the appointment on compassionate ground cannot be given. The applicant submitted representation dated 28.12.2020 stated that he was already appointed in a sanctioned vacancy on compassionate grounds and his request was for regularisation but those representation was also rejected dated 09.02.2021 reiterating the first order dated 24.06.2019.

4. Aggrieved by the above orders, Sri P. Subhani, has filed W.P.No. 5286 of 2021 before the Hon'ble High Court of Andhra Pradesh. The Hon'ble High Court of Andhra Pradesh, in W.P .No. 5286 of 2021 dated 23.02.2022, ordered as follows:-

"It is evident that the petitioner's prayer was not considered in the correct perspective. The orders impugned cannot be justified and deserve to be quashed.

Consequently, the orders, dated: 24.06.2019 and 09.02.2021 are quashed.

The petitioner is granted liberty to file a fresh representation along with a copy of this judgment before the competent authority/respondent No.1, through proper channel, within a period of two weeks, upon which, the competent authority shall pass a reasoned order within further period of four weeks and shall communicate the decision so taken to the petitioner immediately thereafter.

Accordingly, the writ petition stands allowed with the aforesaid observations and directions".

P.T.O

5. The Director General of Prisons and Correctional Services, Andhra Pradesh while forwarding the representation of Sri Patan Subhani, Full Time Sweeper, Sub-Jail, Tenali has requested the Government to issue necessary orders on the said representation.

6. In the circumstances reported by the Director General of Prisons and Correctional Services, Andhra Pradesh in his letter third read above and in light of the Orders dated 23.02.2022 of the Hon'ble High Court of Andhra Pradesh, Government after careful examination of the matter, hereby accord permission to the Director General of Prisons and Correctional Services, Andhra Pradesh to regularize the services of Sri Patan Subhani, Full Time Contingent Sweeper, Sub-Jail, Tenali with effect from the date of his initial appointment i.e., 12.10.1993 with all consequential benefits, after due verification of his Service Register.

7. The Director General of Prisons & Correctional Services, Andhra Pradesh shall take necessary action accordingly.

8. This order issues with the concurrence of Finance (HRM.II) Department vide their U.O No. FMUOASD(HCL)/350/2019 (Computer No.1041095), dated: 26.10.2022.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

HARISH KUMAR GUPTA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Prisons and Correctional Services,
Andhra Pradesh, Mangalagiri.
The individual (through) Director General of Prisons and Correctional Services,
Andhra Pradesh, Mangalagiri.
Copy to:-
The P.S to Hon'ble M (Home)
The P.S to Principal Secretary to Government, A.P Secretariat.
Sc/Sf.

//FORWARDED::BY ORDER//

SECTION OFFICER